

IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

IN RE: SAMUEL BENJAMIN MUNOZ AVILA

Bankruptcy Number:14-08466-MCF

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: 10/14/2014

First Meeting Date: 11/13/2014 at 1:00PM

Days From Petition Date: 31

341 Meeting Date: 11/13/2014 at 1:00PM

910 Days Before Petition: 04/17/2012

Confirmation Hearing Date: 12/05/2014 at 1:30PM

Chapter 13 Plan Date: 10/14/2014 ☐ Amended

Plan Base:\$9,380.00 Plan Docket #2

This is Debtor(s) 2 Bankruptcy petition.

This is the 1 scheduled meeting.

Payment(s) ☐ Received or ☐ Evidence shown at meeting:

Total Paid In: \$100.00

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEREANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☐ Present ☐ Absent ☐ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

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Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): Figueroa Colon

☐ Pro-se

☒ Creditor(s) Present ☐ None

Lorena Soto Vazquez- Lcda. Ivonne Cruz Aguilu (DSO)

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: ROBERTO FIGUEROA CARRASQUILLO*

Total Agreed: \$3,000.00 Paid Pre-Petition: \$132.00 Outstanding (Through the Plan): \$2,868.00

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☒ Under ☐ Above Median Income

Liquidation Value: \$ TBD

Commitment Period is ☒ 36 months ☐ 60 months §1325(b)(1)(B)

Projected Disp. Inc.: \$ 0.00

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: ____ %

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☒ CLOSED ☐ HELD OPEN FOR ____ DAYS

§341 Meeting Rescheduled for:_____

Comments:

*CREDITOR(S) ORAL OBJECTIONS [LBR 3015-2 (c)(4)]
-No objections

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Trustee to evaluate provision in Schedule A Debtor has a property interest ("bare title") in a residential property located at Sumido Ward Quebrada Sector Cayey. On April 1, 2011, the debtor executed a sales option contract("Promesa de Compraventa") whereby the aboved stated property was transferred to Hector Luis Zayas Diaz and Carmen Iris Vega, for the price of \$15,000, the assumption of the mortgage loan on this property and within five (5) years the parties were to execute a sales deed in order to transfer title to said party. Debtor has assigned to value to the property of \$1.00, The property is under debtors name, is property of the estate must be amended accordingly. Debtor must submit documents of the transaction.

BPPR is the Mortgage Holder,not Santander, must amend Schedule D accordingly.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims.
[1322(d)(1)]

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with postpetition DSO payments.

1-Debtor must submit evidence of being current with post petition DSO payments up the confirmation of the plan. Debtor has 1 account that are being paid through ASUME.

2-Debtor submitted evidence of November 2014 payment at 341

3-Also debtor made a payment of \$4,844.89 in local Court to ASUME, the amount is not yet reflected in the proof of claim, ASUME's claims need to be amended and /or objected.

*OTHER COMMENTS / OBJECTIONS

- Debtor testified he received the \$4,800 as a gift to his brother, must submit sworn statement from brother to submit such allegations.
- Debtor will amend Schedule F to eliminate Attorney fees from child support proceedings and include them in Schedule E since this is a priority claim.

/s/ Jose R. Carrion, Esq. Meeting Date: Nov 13, 2014

Trustee

/s/ Juliell Perez, Esq.

Presiding Officer